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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,870	03/30/2004	Akira Maruyama	02-116	2438
23400	7590	08/08/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			KIM, CHRISTOPHER S	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/811,870

Applicant(s)

MARUYAMA, AKIRA

Examiner

Christopher S. Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5,7 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,7 and 17-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 24, 2005 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1, 5, 7, 17, 18, 19, 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The disclosure, as originally filed, fails to disclose the “first body part is molded from a resin material” and the “second body part is molded from a resin material separately from the first body part” recited in claim 1.

The disclosure, as originally filed, fails to disclose the “filter is formed integrally with the nozzle body from a resin material” recited in claim 25.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 5, 7, 17-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 20 and 21, the preamble recites the subcombination of a washer nozzle but the claim body contains functional recitation directed to the fluid being jetted out of the nozzle against the windshield. It is uncertain whether applicant is claiming a combination or a subcombination.

### ***Claim Rejections - 35 USC § 102***

7. Claims 20, 21, 23, 26, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewitt et al. (5,657,929).

Dewitt et al. discloses a washer nozzle 34, 74, 32 comprising: nozzle body including a first body part 68 and a second body part 72; at least one jet outlet (outlet of 72); a check valve 40, 58; a filter 76; a spring 62; a resilient annular O-ring 78. The

term "formed integrally" has been considered to define the filter and the portion of the nozzle body to be a complete unit.

The term "nozzle" in the preamble does not differentiate applicant's claimed invention from Dewitt because Dewitt discloses all the claimed structural limitations.

8. Claims 20-24, 26, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Barlow (3,297,260).

Barlow discloses a washer nozzle comprising: nozzle body including a first body part 14 and a second body part 12; at least one jet outlet 24; a check valve 40, 52; a filter 46; a spring 62.

#### ***Claim Rejections - 35 USC § 103***

9. Claims 1, 5, 7, 17, 18, 19, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewitt et al. (5,657,929).

Dewitt et al. discloses a washer nozzle 34, 74, 32 comprising: nozzle body including a first body part 68 and a second body part 72; at least one jet outlet (outlet of 72); a check valve 40, 58; a filter 76; a spring 62; a resilient annular O-ring 78. The term "formed integrally" has been considered to define the filter and the portion of the nozzle body to be a complete unit.

The term "nozzle" in the preamble does not differentiate applicant's claimed invention from Dewitt because Dewitt discloses all the claimed structural limitations.

Dewitt discloses the limitations of the claimed invention with the exception of the resin material. Resin material is well known in the art. It would have been obvious to a

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person having ordinary skill in the art at the time of the invention to have made the first and second body parts of Dewitt from resin material to prevent corrosion.

10. Claims 1, 5, 7, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barlow (3,297,260).

Regarding claims 1, 5, 7 and 17-19, Barlow discloses a washer nozzle comprising: nozzle body including a first body part 14 and a second body part 12; at least one jet outlet 24; a check valve 40, 52; a filter 46; a spring 62. Barlow discloses the limitations of the claimed invention with the exception of the resin material. Resin material is well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have made the first and second body parts of Barlow from resin material to prevent corrosion.

11. Claims 1, 5, 7, 17-19, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barlow (3,297,260) in view of Joiner (2,081,457).

Regarding claims 1, 5, 18, 19 and 25, Barlow discloses a washer nozzle comprising: nozzle body including a first body part 14 and a second body part 12; at least one jet outlet 24; a check valve 40, 52; a filter 46; a spring 62. Barlow does not disclose the filter 46 being integral with the first body part 14 (the filter and first body part being one element). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an integral filter and first body part for reduction of part for easier assembly, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349

(CCPA 1965). Joiner teaches, in figure 2, a filter 7 being a separate element from body part 9 and teaches an equivalent body part and filter being formed integrally in figures 6-11.

Regarding claim 17, Barlow discloses the limitations of the claimed invention with the exception of the O-ring. O-rings are well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided an O-ring between the first and second body parts in the device of Barlow to prevent leaks.

### ***Response to Arguments***

12. Applicant's arguments filed May 24, 2005 have been fully considered but they are not persuasive.

Applicant argues that Dewitt does not disclose the valve being opposed to the filter. Dewitt's valve 40, 58 is opposed to the filter 76 about a plane between the filter and valve.


Applicant argues that the resilient element of Dewitt does on urge the check valve against the valve seat in the axial direction toward the filter. The check valve of Dewitt is moved in an axial direction (along the axis of the check valve) toward the filter. The check valve is closer to the filter in the closed position than in the open position.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Christopher S. Kim  
Primary Examiner  
Art Unit 3752

CK